
KING COUNTY
OFFICE OF CITIZEN COMPLAINTS
TRIENNIAL REPORT
SEPTEMBER – DECEMBER 2004

Presented to the
Metropolitan King County Council

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TABLE OF CONTENTS

	Page
INTRODUCTION	3
OMBUDSMAN STATISTICS.....	4-5
INVESTIGATIONS.....	6-11
TAX ADVISOR STATISTICS	12-14

INTRODUCTION

The Office of Citizen Complaints is required by code to report to the Metropolitan King County Council on the 15th of January, May, and September of each year on the activities of the Office for the preceding calendar period. KCC 2.52.150. This report summarizes Office activities for September 1 through December 31, 2004.

During the report period, the Office of Citizen Complaints received 640 inquiries. The majority of contacts to the Office were handled through information and assistance. We initiated 28 complaint investigations, and completed 35 investigations.

BACKGROUND

The Office of Citizen Complaints – Ombudsman investigates complaints about the administrative conduct of King County executive branch agencies. In addition, the Ombudsman investigates alleged violations of the King County Employee Code of Ethics as well as reports of improper governmental action and retaliation under the Whistleblower Protection Code.

The mission of the Office is to promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations.

INQUIRY CLASSIFICATIONS

The Office of Citizen Complaints classifies citizen inquiries into three categories:

Information: Request for information or advice which may result in referral.

Assistance: Complaint resolved through staff-level inquiry and facilitation.

Investigation:¹ Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response.

Investigations seek to determine if the complaint was supported or unsupported, and to resolve the problem. Investigations may result in recommendations to departments for improved practices or policy changes. Investigations are closed with a finding of resolved, supported, unsupported, or discontinued.

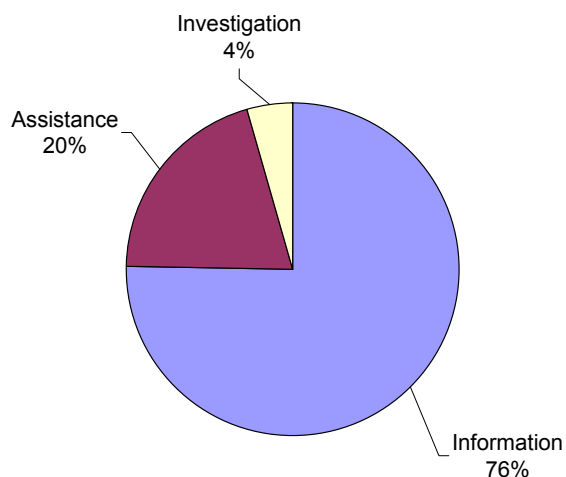
¹ Investigations include citizen complaints, alleged violations of the ethics code, reports of improper governmental action pursuant to the whistleblower protection code, whistleblower retaliation complaints, and ombudsman-initiated investigations.

OMBUDSMAN STATISTICS

Table A
Total Inquiries Received
September – December 2004

Department	Information	Assistance	Investigation	Total
Adult and Juvenile Detention	49	36	7	92
Assessor	3	1	2	6
Boards and Commissions	1	0	0	1
Community and Human Services	8	4	0	12
Development and Environmental Services	16	7	3	26
District Court	11	2	0	13
Executive	6	0	0	6
Executive Services	54	11	1	66
Judicial Administration	7	1	0	8
Metropolitan King County Council	22	6	0	28
Natural Resources and Parks	8	4	3	15
Prosecuting Attorney's Office	6	1	0	7
Public Health	17	39	3	59
Sheriff's Office	22	11	7	40
Superior Court	14	1	0	15
Transportation	16	5	2	23
Non-jurisdictional ²	221	2	0	223
Total	481	131	28	640

Chart A
Disposition of Total Inquiries Received
September – December 2004



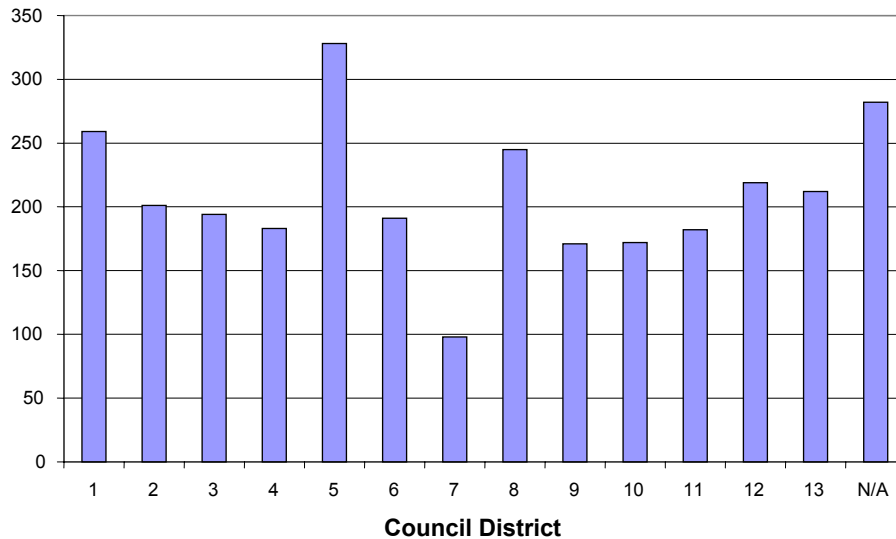
² The non-jurisdictional category represents contacts from non-jurisdictional city, state, federal, non-profit, or other private entities.

OMBUDSMAN STATISTICS

Table B
Inquiries by Council District
September – December 2004

District	Councilmember	Inquiries
1	Carolyn Edmonds	31
2	Bob Ferguson	11
3	Kathy Lambert	16
4	Larry Phillips	21
5	Dwight Pelz	20
6	Rob McKenna	9
7	Pete von Reichbauer	7
8	Dow Constantine	15
9	Steve Hammond	16
10	Larry Gossett ³	141
11	Jane Hague	11
12	David Irons	22
13	Julia Patterson ⁴	57
N/A	Unavailable	263
Total		640

Chart B
Inquiries by Council District
September – December 2004
N = 640



³ Inquiries for this district may be higher due to the number of calls from the Seattle Jail facility.

⁴ Inquiries for this district may be higher due to the number of calls from the Regional Justice Center.

COMPLETED INVESTIGATIONS⁵

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Alleges department investigation and response to complaint that employee used DAJD computer system to access complainant's home address is inadequate.	Unsupported. Internal Investigation confirmed that DAJD employee had accessed complainant's home address on multiple occasions via department computer. Investigation was thorough and department took appropriate corrective action.
Complainants allege not being provided with paper, envelopes, or feminine hygiene materials.	Supported. Complainants were advised that DAJD has addressed commissary delivery concerns and has taken corrective measures to ensure proper commissary delivery to inmates in the future.
Inmate alleges excessive force by corrections officer.	Unsupported. Based on department response and review of medical records, evidence did not support allegation of excessive force.
Inmate alleges unnecessary force by corrections officers.	Unsupported. Based upon department's response, our review of medical records and internal investigations file, evidence did not support claim of unnecessary force.
Complainant alleges illegal cell search, unlawful seizure and review of protected legal documents, and no response to grievance regarding incident.	Unsupported. Available evidence indicated that proper procedures were followed regarding the cell search. There was no evidence that legal material was read or illegally seized and file documentation shows that the jail responded to the grievance filed.
Inmate alleges excessive force by corrections officers.	Unsupported. Inmate on 15-minute check in psychiatric housing discovered by medical personnel with injuries to head and dried blood on walls of cell. Injuries were likely self-inflicted. Recommendations made to improve ability of corrections officers to notice and report self-injurious behavior by psychiatric inmates.
Alleges poor investigatory procedures and unnecessary use of force.	Unsupported. Referred matter to DAJD IIU. Reviewed IIU response. Explained result to complainant.
Complainant alleges assault by corrections officers during booking and inadequate medical care for injuries incurred.	Unsupported. Documentation obtained from the Jail, Jail Health Services and Harborview Medical Center show that the inmate was combative and uncooperative both at the jail and at Harborview and necessary force was used to restrain the inmate and appropriate medical care was provided for the injuries incurred.

⁵ Open, ongoing investigations are not subject to public disclosure, and are therefore not included in the investigation synopsis.

DEPARTMENT OF ADULT AND JUVENILE DETENTION

Synopsis	Disposition
Alleges excessive force and verbal abuse.	Unsupported. Referred to DAJD IIU, which investigated complaint and found it to be without merit. Reviewed IIU's response and concur with finding.
Alleges improper jail visitation procedures followed and inaccurate information given as to spouse's whereabouts.	Unsupported. Referred to IIU. Reviewed IIU investigation and followed up with IIU personnel.
Alleges violation of ethics code and state law prohibiting use of county resources for political activity.	Resolved. Division commanders were directed to visually inspect DAJD facilities and to remove any campaign-related material from lockers, desks, or other county property.
Complainant alleges neck injury due to excessive force by corrections; denial of immediate and appropriate medical treatment for the neck injury, and failure to respond to kites and grievances.	Unsupported. Available evidence indicates that reasonable force was used when inmate became argumentative and refused direct orders; appropriate medical treatment was provided; and that department responded to kites and grievances.

DEPARTMENT OF ASSESSMENTS

Synopsis	Disposition
Alleges retaliation for reporting improper governmental action pursuant to Whistleblower Protection Code.	Complaint was forwarded to department director in accordance with KCC 3.42.060(B).
Alleges retaliation for reporting improper governmental action pursuant to Whistleblower Protection Code.	Complaint was forwarded to department director in accordance with KCC 3.42.060(B).

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Alleges inadequate response by Code Enforcement to multiple complaints about neighbor's ongoing code violations.	Partially supported. Department did not enforce county codes in a timely manner; however, compliance was eventually achieved.
Alleges: 1) failure to provide notice that permit processing exceeded time limit established by code; 2) inaccurate classification of portion of property as a sensitive area; 3) staff were ill equipped to deal with technical issues; 4) permit issued contained additional requirements; and 5) inadequate documentation of hourly fees.	Partially supported. 1) DDES did not provide the complainant with written notification of permit issuance delays; however, new process is place for future permits to be monitored. 2) There was no evidence that sensitive area review was an issue for site. 3) Permit reviewed by senior staff and division director. 4) Code allows for issuance of permit with stipulation of additional requirements. 5) Department billing records indicate adequate documentation for assessed hourly charges.

DEPARTMENT OF DEVELOPMENT AND ENVIRONMENTAL SERVICES

Synopsis	Disposition
Complainant alleges denial of boundary line adjustment was erroneously based on recent court ruling. Alleges department charges excessive fees for research for Hearing Examiner appeals.	Unsupported. Complainant advised that disagreement with DDES interpretation of what constitutes a legal lot and/or a legal lot intervenor will require appeal Superior Court. Department has authority in code to charge fees for research to prepare for appeals to Hearing Examiner.
Complainant alleges that the county allowed a developer to violate county code by drilling non-permitted well in a sensitive area and in violation of set-back requirements.	Unsupported. Complainant was advised that the well drilled on the property was permitted according to code and was not drilled in a sensitive area or within the set-back requirements permitted at the time.
Alleges: 1) Developer incorrectly installed sewer and drainage lines; 2) staff did not respond to reports of clear cutting; 3) Stop Work Orders were ignored; 4) grading was done without a permit; 5) construction noise complaints were ignored and construction equipment parked on the street causing a dangerous situation; 6) proper sanitation facilities were not provided; 7) water was taken from restricted hydrants; and 8) on-site dumpsters were not provided to control litter.	Unsupported. 1) Developer connected homes to city sewer and drainage lines per code; 2) department records show that telephone calls were returned regarding clear cutting; 3) code compliance was met and Stop Work Orders were removed; 4) permit was issued after grading was completed; 5) construction noise and street parking complaints were referred to the Sheriff's Office; 6) sanitation complaints were referred to Labor and Industries; 7) water hydrant use complaints were referred to the water and sewer district; and 8) no regulations were found requiring dumpsters at construction sites.

THE EXECUTIVE

Synopsis	Disposition
Alleges agreement with SHARE/WHEEL for use of county-owned property constitutes a violation of the ethics code. KCC 3.04.020(A), 3.04.020(C), and 3.04.030(A)(9)(a).	Unsupported. SHARE/WHEEL's planned use of county-owned property was authorized by Special Use Permit issued by Property Services. The Special Use Permit process is available to all citizens, and is therefore not special treatment in violation of ethics code. There is no reasonable cause to believe the ethics code was violated.

DEPARTMENT OF EXECUTIVE SERVICES

Synopsis	Disposition
Alleges family members of employees were hired into temporary positions without competitive process and gives appearance of improper influence or favor.	Resolved. Neither position was career service and did not require a competitive process. The department identified business needs for the temporary positions, and took corrective action by changing the reporting relationship of one of the hires who reported to a family member.

NATURAL RESOURCES AND PARKS

Synopsis	Disposition
Alleges Solid Waste Division Director negotiated private agreements with private waste haulers to allow access to Enumclaw and Vashon transfer stations during times not available to the general public in violation of King County Ethics Code.	Unsupported. No reasonable cause. Agreements between waste haulers and Solid Waste Division were public, not private, and did not personally benefit division director; and Solid Waste Division director's change of operating hours of transfer stations was specifically authorized by law.

PUBLIC HEALTH

Synopsis	Disposition
Alleges Jail Health Services' failure to respond adequately to communicable disease outbreak.	Resolved. Obtained and reviewed JHS and DAJD policies regarding antibiotic-resistant "staph" infections, interviewed DPH epidemiologist, and reviewed relevant US Centers for Disease Control materials. Found that JHS and DAJD are responding appropriately to staph infections, and that such infections have not increased in excess of the general rise of these cases in the community at large.
Complainant received another inmate's medication which required that complainant be taken to Harborview Emergency because of complainant's reaction to the medications.	Supported. Complainant's name was similar to that of another inmate who was in custody at same time. This similarity contributed to a medication error. Situation will be brought to Medication Administration Committee for longer-term resolution. For immediate solution, Assistant Supervisors will notify nursing staff that when similar situations arise, the inmate's Medication Administration Record will be flagged to alert nurses.

SHERIFF'S OFFICE

Synopsis	Disposition
Complainant alleges IIU did not adequately investigate complaint.	Unsupported. Available evidence supported officer's version of arrest and necessary use of force. Review of department's investigative file indicated that proper investigative procedures were followed, and that determination that officer's conduct was professional was appropriate.
Alleges polygraph examiner asked improper questions of applicant for volunteer internship.	Unsupported. Investigation did not support claim of wrongdoing. Recommended that KCSO update its policies regarding questioning of applicants for employment.

SHERIFF'S OFFICE

Synopsis	Disposition
Complainant alleges King County Sheriff's Office should have investigated report of perjury arising from civil case.	Unsupported. KCSO was not obligated to respond to report of perjury because it occurred in another jurisdiction. Sheriff does not currently have an interlocal agreement with municipality.
Inadequate KCSO IIU review of excessive force complaint.	Unsupported. Reviewed IIU case file including videotape of incident and determined that IIU investigation was proper and complete, and no excessive force was used.
Rude and inadequate response from 911 operator.	Unsupported. Evidence showed that 911 operator's tone was firm and unyielding but not rude; and that operator made decisions within allowable discretion.
Inadequate investigation of crime report.	Unsupported. Reviewed KCSO investigative file. Discussed complaint and underlying facts with IIU personnel who reviewed ongoing criminal investigation. Concluded that criminal investigation is proceeding appropriately.
Complainant alleges assault during arrest resulting in hand injury; and denial of medical treatment.	Unsupported. Available evidence did not corroborate complainant's account of incident.
Alleges Sheriff's Office press release constitutes use of county resources to advance congressional campaign in violation of Ethics Code KCC 3.04.020(E).	Unsupported. The Sheriff was aware that the subject press release would be issued; however, the Sheriff had no knowledge of the specific wording of the press release. Therefore, there is no reasonable cause to believe the Sheriff violated the Ethics Code when his office issued a press release that referenced his performance in the primary election.

DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Alleges department's release of tape recording of complainant's call to Metro Customer and Community Relations constitutes improper governmental action pursuant to Whistleblower Protection Code.	Unsupported. Department's release of information to union was consistent with state's public employment collective bargaining act (RCW 41.56). No reasonable cause to believe improper governmental action occurred.

DEPARTMENT OF TRANSPORTATION

Synopsis	Disposition
Alleges Metro Access van driver using county van for personal use.	Resolved. Contacted Access Operations planner who investigated complaint with help of Access contractor. Driver denied using van for personal use. Contractor could not track driver to specific instances because complainant could not provide specific dates/times. Followed up with complainant who is satisfied because alleged improper use of van had ceased after investigation was initiated.
Alleges retaliation for reporting improper governmental action pursuant to Whistleblower Protection Code.	Complaint was forwarded to department director in accordance with KCC 3.42.060(B).

TAX ADVISOR STATISTICS

The Tax Advisor Office provides advice and assistance to any person responsible for the payment of property taxes in King County. Tax Advisor staff respond to citizen inquiries regarding the valuation of property, local and state appeal processes, and the property tax computation and collection process.

Table C
Total Tax Advisor Contacts
September – December 2004

Tax Advisor Contacts	
September	866
October	1147
November	569
December	355
Total	2937

SALES SURVEYS

Sales surveys are produced using the Assessor's CompSales program to search for similar property characteristics. The Office reviews two years of previous sales in the plat or sub-area and a sales price range. The search is refined by property characteristics such as view, waterfront, year-built, grade, and condition. A sales report is generated which provides the characteristics and sale prices of similar properties.

Sales surveys are useful in helping taxpayers determine whether to appeal the Assessor's valuation, and can also be used as evidence when presenting an appeal to the Board of Equalization.

Table D
Sales Surveys
September – December 2004

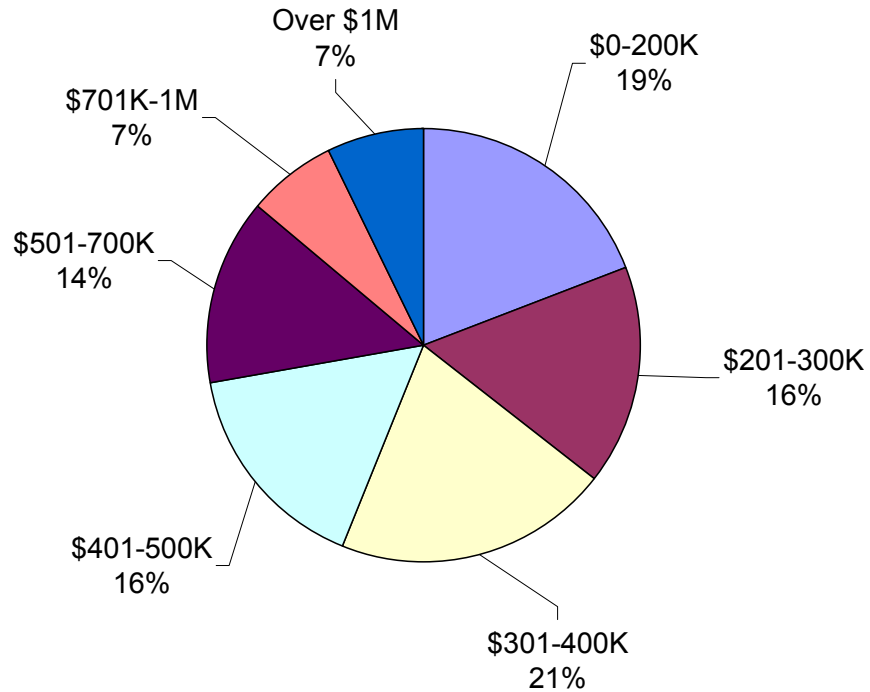
Sales Surveys	
September	121
October	61
November	25
December	16
Total	223

TAX ADVISOR STATISTICS

Table E
Sales Surveys – Assessed Property Value
September – December 2004

Assessed Property Value	Sales Surveys
\$0-200K	43
\$201-300K	36
\$301-400K	46
\$401-500K	36
\$501-700K	31
\$701K-1M	15
Over \$1M	16
Total	223

Chart C
Sales Surveys – Assessed Property Value
September – December 2004



TAX ADVISOR STATISTICS

Table F
Tax Advisor Inquiries by Council District
September – December 2004

District	Councilmember	Inquiries
1	Carolyn Edmonds	259
2	Bob Ferguson	201
3	Kathy Lambert	194
4	Larry Phillips	183
5	Dwight Pelz	328
6	Rob McKenna	191
7	Pete von Reichbauer	98
8	Dow Constantine	245
9	Steve Hammond	171
10	Larry Gossett	172
11	Jane Hague	182
12	David Irons	219
13	Julia Patterson	212
N/A	Unavailable	270
Total		2925

Chart D
Inquiries by Council District
September – December 2004
N=2925

